

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

Crl.MC.No. 3290 of 2007()

CRIME NO. 437/07 OF MEDICAL COLLEGE POLICE STATION

PETITIONER: PETITIONER

1. SAJAN,S/O.DEVDAS,CRISTIAN KONATHU VEEDU
NEDIMANGADU,THIRUVANANTHAPURAM.
2. SIYAD,S/O.IBRAHIMKUTTY,
ANEESA MANZIL,PULIMATHU,PO THIRUVANANTHAPURAM.
3. SANTHOSH KRISHNAN.K.,S/O.KRISHNAN
ABHILAYAM,PULIMATHU PO,THIRUVANANTHAPURAM.
4. SHARAN,S/O.DHARMARAJAN,
THOTTUVAPRAMBIL VEEDU,MARAPPALAM,PATTOM PO,
THIRUVANANTHAPURAM.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL

RESPONDENTS: RESPONDENTS

1. STATE OF KERALA REPRESENTED BY THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION
THIRUVANANTHAPURAM.
3. K.K.MATHEW,KOCHALUMMOOTIL HOUSE,
CNRA-18,CHEMPAKASSERRY NAGAR,
KESAVADASAPURAM, THIRUVANANTHAPURAM.

R1 & 2 BY PUBLIC PROSECUTOR SRI. S.U. NAZAR
R3 BY ADV. SRI.V.R.REKESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 3290 of 2007

Dated this the 1st day of December, 2007

ORDER

The petitioners face allegations in a crime registered initially under Section 395 I.P.C. After registration of the case, realising that the allegation under section 395 I.P.C. would not lie, the section has been altered to Section 379 I.P.C.

2. The crux of the dispute is regarding re-possession of a vehicle in accordance with the terms of the agreement between the financier and the loanee. During the pendency of the investigation, parties have settled their disputes and they have reported to the police that the matter has been compromised. It is submitted that, in these circumstances continuation of the proceedings works out injustice to the petitioners.

3. The learned Prosecutor was requested to take instructions. The learned Prosecutor, after taking instructions, submits that the parties have settled the matter and the State has no objection against the F.I.R. being quashed. The defacto

complainant has entered appearance through counsel and the counsel also confirms that the matter has been settled.

4. I am satisfied, in these circumstances, that powers under Section 482 Cr.P.C. can be invoked and the crime registered against the petitioners can be quashed.

5. This Crl.M.C. is accordingly allowed. Crime No., 437 of 2007 of Medical College police station, Trivandrum is hereby quashed.

(R. BASANT)
Judge

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